

REMARKS

In response to the formal objection to claim 124 stated in the Examiner's Office Action, Applicant is unable to identify the error asserted to be in claim 124. Clarification or withdrawal of this objection is requested.

The Examiner's rejection based upon the Chisti and Lehmann prior art is being continued, based on the assertion stated on page 5 of the Examiner's Action that the evidence submitted "is insufficient to establish a conception of the invention prior to the effective date of the Lehmann reference". Specifically, the Examiner asserts that Exhibits U and V submitted by Applicant "do not show evidence of feedback being provided". However, the provision of feedback is particularly elaborated, referencing Exhibits U and V, in paragraphs 55-58 of the Chapoulaud declaration, confirmed in the corresponding paragraphs of the declarations of Dr. Andreiko and Mr. Payne. Specifically, Mr. Chapoulaud states in paragraph that Exhibits U and V demonstrate that Mr. Chapoulaud would use the software to landmark teeth and Dr. Andreiko would use the same software to landmark the same tooth images. Mr. Chapoulaud further explains in the claim chart on page 17 et seq., that "the process documented in Exhibits U and V involved the creation of landmarks by me and the creation of feedback on those landmarks by Dr. Andreiko in the form of alternative landmarks that would alter post-treatment positions." Exhibits U and V themselves show that this process was performed prior to the relevant date of the Lehmann reference, obviating the Examiner's rejection.

If further information is required regarding this particular point as stated in the declarations, a telephone conference or interview may be arranged with the Examiner at a mutually convenient time.

Finally, the Examiner has presented a rejection of the claims based upon the Chisti prior art as combined with Hultgren and Peltz. The crux of this rejection is the Examiner's assertion that the Peltz patent teaches "an interaction communication between a user and a medical professional" and that it would have been obvious to modify Chisti and Hultgren to include the Peltz device. Peltz, however, teaches a video conferencing system generally able to allow doctor

patient and similar interactions over distances. It has no connection to dental technology, providing information on dentition or providing feedback from one physician or technician to another on a dental prescription. There is simply nothing in Peltz that would lead to such an application nor any suggestion of how such an application would be implemented. The general existence of videoconference technology in the prior art does not render obvious a computerized interactive process for developing a dental prescription with the involvement and feedback between two practitioners, and the Examiner has not provided an explanation of how this supposed result would be arrived at merely from the availability of video conferencing. Applicant submits this rejection must be withdrawn.

In view of the above, applicant believes the pending application is in condition for allowance.

Applicant believes a three month extension of time fee is due with this response, and has provided payment of the same with this submission. However, if a fee is due, please charge our Deposit Account No. 23-3000, under Order No. ORM 156CO from which the undersigned is authorized to draw.

Dated: 12/30/2009

Respectfully submitted,

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